



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

ZACHARY W. CARTER
Corporation Counsel

Aviva Y. Horowitz
Administrative Law Division
212-356-2176
Facsimile: (212) 356-2019
ahorowitz@law.nyc.gov

June 9, 2016

BY ECF

The Honorable James C. Francis
United States Magistrate Judge
Southern District of New York
500 Pearl Street, Room 1610
New York, New York 10007

Re: Victor Encarnacion et. al. v. City of New York, 16 CV 156

Dear Magistrate Judge Francis:

I am an attorney in the office of Zachary W. Carter, Corporation Counsel of the City of New York, counsel for defendant the City of New York in the above-referenced action. I am writing to respectfully request that the settlement conference scheduled for June 16, 2016 at 2:00 p.m. be postponed until June 29, 2016 at 2:00 p.m., or another date or time more convenient for the Court. Additionally, I am writing to request that the time to submit the pre-mediation memo, currently due to be submitted by June 14, 2016 be extended until two days before the new settlement conference date. This request is made because on June 3, 2016 plaintiff's filed an Amended Complaint in this action, including adding new plaintiffs and new allegations.¹ Accordingly, defendant needs time to review the Amended Complaint, and investigate the additional allegations in order to be fully informed and properly prepared to proceed with a settlement conference in this matter.

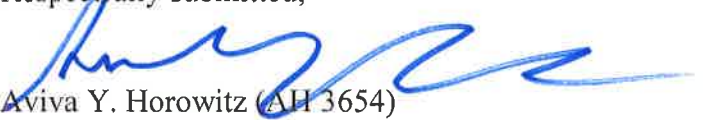
Earlier today I spoke with Molly Kovel of the Bronx Defenders, counsel to the plaintiffs to discuss this adjournment and extension of time. She refused to consent to the adjournment or extension, as it is plaintiffs' position that settlement discussion is not affected by the amending of the Complaint.

¹ Also, for the Court's information, on June 8, 2016, plaintiffs filed a motion seeking class certification.

This is the first request by any of the parties to this action for a postponement of the settlement conference or extension of time to submit a pre-mediation memo. Please be further advised that I will be out of the office on Monday June 13th due to religious observance.

Thank you for your consideration of this request.

Respectfully submitted,



Aviva Y. Horowitz (AH 3654)

cc: THE BRONX DEFENDERS
Marianna (Molly) Kovel, Esq. (by e-mail)
Adam N. Shoop, Esq. (by e-mail)
Johanna B. Steinberg, Esq. (by e-mail)

BOIES, SCHILLER & FLEXNER LLP
Eric Brenner, Esq (by e-mail)
Zachary Kolodin, Esq. (by e-mail)